IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WA.No. 897 of 2002(E)

AGAINST THE JUDGEMENT/ORDER IN OP.10170/2001 Dated 04/12/2001
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APPELLANT: PETITIONER

THE MANAGER,
AGALPADY SRI ANNAPOORNESHWARI A.L.P.SCHOOL AND HIGH SCHOOL, AGALPADY, P.O. KUMBDAJE, KASARAGOD TALUK AND DISTRICT.

BY ADV. SRI.U.P.KUNIKULLAYA
SRI.S.VINOD BHAT

RESPONDENTS:
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1. SRI.A.PADMANABHA BHAT, S/O.MADHAVA BHAT, RETD. TEACHER, PAVOOR HOUSE, P.O.MOVVAR (VIA), MELLERIA, KASARAGOD TALUK AND DISTRICT.

2. THE ASSISTANT EDUCATIONAL OFFICER, KUMBLA AT BADIADKA, P.O.PERDAL, KASARAGOD TALUK AND DISTRICT.

3. THE DISTRICT EDUCATIONAL OFFICER, KASARAGOD, KASARAGOD TALUK AND DISTRICT, P.O.KASARAGOD.

4. THE SECRETARY, GENERAL EDUCATION(P) DEPARTMENT, GOVT. OF KERALA, SECRETARIAT, THIRUVANTHAPURAM.

BY ADV. SRI.P.K.MUHAMMED FOR R1
GOVERNMENT PLEADER SRI.BENNY GERVASIS FOR R2 TO R4

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WA NO.897/2002

ORDER IN CMP NO.2389/2002 IN WA NO.897/2002

DISMISSED

20/06/2007 **SD/-K.S.RADHAKRISHNAN, JUDGE.**

SD/-ANTONY DOMINIC, JUDGE.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

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W.A. NO. 897 OF 2002

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Dated this the 20th day of June, 2007

J U D G M E N T

Radhakrishnan, J.

Heard counsel on either side.

2. Counsel submits that the point raised in this case is already covered by the decision of the apex court in **State of Kerala v. Neelakantan Nair (2005(3) KLT 717)**. Going by the dictum laid down by the apex court, petitioner is entitled to reckon the period from 31.03.1997 to 29.3.2000 for the purpose of pay and allowance, but that period cannot be counted for the purpose of pension in view of the amendment effected to the K.S.R by G.O(P) No.331/06/Fin dated 10.8.2006. Counsel for the appellant submitted that the appellant proposes to challenge the notification about which we express no opinion.

The writ appeal is disposed of as above.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp